

REMARKS

Claims 1-38 are pending in the present application, with claims 1, 13, 22, 28 and 37-38 being the independent claims.

In the Official Action, dated February 15, 2006, claims 13-21 and 38 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Claims 1-3, 9-12, 22-23, 25-30 and 36-37 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 6,087,937 (McCarthy). Claims 4-6, 8, 31-33 and 35 were rejected under 35 U.S.C. § 103(a) for being unpatentable over McCarthy in view of U.S. Patent No. 5,966,081 (Chesnutt). Claims 7, 24 and 34 were rejected under 35 U.S.C. § 103(a) for being unpatentable over McCarthy in view of U.S. Patent No. 6,433,685 (Struble). Claims 13-15, 20-21 and 38 were rejected under 35 U.S.C. § 103(a) for being unpatentable over McCarthy in view of U.S. Patent No. 6,577,239 (Jespersen). Claims 16-18 were rejected under 35 U.S.C. § 103(a) for being unpatentable over McCarthy in view of Jespersen and further in view of Chesnutt. Claim 19 was rejected under 35 U.S.C. § 103(a) for being unpatentable over McCarthy in view of Jespersen and further in view of Struble.

The outstanding rejections to the claims are respectfully traversed.

Rejection under 35 U.S.C. § 112

As mentioned, claims 13-21 and 38 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness of the claimed “timeout condition.”

Support for the claimed timeout condition of claims 13 and 38 can be found at least at paragraph [0023] of the specification, wherein it states, “In a ‘keep alive’ embodiment of the invention, the device operates while it continues to receive ‘keep alive’ messages from the

intended environment. *Upon a timeout condition whereby no 'keep alive' message has been received*, the device is disabled similar to other embodiments of the invention.”

See also paragraph [0076] wherein it states, “In further embodiments, for PC based solutions in managed networks, an additional mode of security can be added to the invention. In this case, the default setting would be that a system is disabled, and corporate administrators would direct special network “keep alive” packets to PCs configured with the tags of the invention to keep connected to the corporate network. Thus, should a system be removed from the corporate network, *after the keep alive timeout has expired*, the system would go into a lockdown mode until it received a new packet. Alternatively, if the system had been authorized to leave the network, the system administrator could log into a Web site, and change the mode of the system to default enabled, or send another keep alive message. As soon as the tag, i.e., the receiver/processor combination, received the message, it would unlock the system. The keep alive scheme would also allow the administrator to keep track of PC assets.”

Reconsideration and withdrawal of the rejection to claims 13-21 and 38 based on 35 U.S.C § 112 is respectfully requested in view of the above described disclosure of the claimed timeout condition.

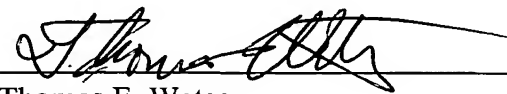
Rejection under 35 U.S.C. § 102

As disclosed at paragraph [0087] of Applicant’s specification, “the term **destroyed** is intended to describe the state of a device if **the processor 310** of a device 300 in accordance with the invention **is removed**. In this regard, each of independent claims 1, 13, 22, 28 and 37-38 recites a step, or means, or other component for “disabling the device via a component of the device that *cannot be removed without **destroying the device***.”

In contrast, McCarthy merely discloses “an otherwise conventional personal computer 10 having an additional card 12 fitted to its motherboard.” Applicant respectfully submits that one of ordinary skill in the art reviewing the language “fitting a card to a motherboard of a personal card” would understand the disclosure of McCarthy to be limited to a card that is inserted to the motherboard (if not, the disclosure would not state that it is a “card”), and not the processor of the motherboard itself. As PC cards are removable without destroying the device, whereas removal or destruction of the processor destroys the device as with the present invention, Applicant respectfully submits that McCarthy does not teach at least the above-identified features of claims 1, 13, 22, 28 and 36-37. Namely, there is at least no disclosure or suggestion in McCarthy that removing McCarthy’s card 12 *destroys the PC*, since the PC and its motherboard remain intact.

Thus, McCarthy cannot be said to teach or suggest at least “disabling the device via a component of the device that cannot be removed without destroying the device,” as recited in claim 1, and similarly in claims 13, 22, 28 and 37-38. Claims 2-12, 14-21, 23-27 and 29-36 depend from claims 1, 13, 22 and 28, respectively, and are believed allowable for the same reasons. Reconsideration and withdrawal of the rejection based on McCarthy is thus respectfully requested.

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